IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 21ST NOVEMBER 2007 / 30TH KARTHIKA 1929

WP(C).No. 32763 of 2007(A)

PETITIONER:

S.MURALIDHARAN, LOWER DIVISION CLERK,
DISTRICT SUPPLY OFFICE, CIVIL STATION,
PALAKKAD-678 001.

BY ADV. SRI.V.CHITAMBARESH
SRI.T.C.SURESH MENON
SRI.JIBU P THOMAS
SRI.P.S.APPU

RESPONDENTS:
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1. **THE STATE OF KERALA, REPRESENTED BY THE SECRETARY TO THE CIVIL SUPPLIES DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.**

2. **THE DIRECTOR OF CIVIL SUPPLIES, THIRUVANANTHAPURAM.**

3. **THE DISTRICT SUPPLY OFFICER, PALAKKAD.**

BY GOVERNMENT PLEADER SRI. BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

V.GIRI,J.

W.P (C) No. 32763 of 2007

Dated this the 21st November, 2007

J U D G M E N T

The petitioner joined the Civil Supplies Department on 31.5.2001 as L.D.Clerk. The petitioner is a physically handicapped person. According to him, his probation has been declared on 4.10.2004. But he was denied promotion to the post of U.D.Clerk because he has not passed the Departmental Language test. According to the petitioner, the Government has issued several orders granting exemption to deaf students from the study of regional languages. He makes a reference to G.O (MS) Rt No.135/88/G.Edn dated 1.9.1983. Petitioner refers to the provisions under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

2. Petitioner submits that the Government has power to grant exemption from acquiring qualification prescribed as per Rule 10 (aaa) of Part II of the Kerala State and Subordinate Service Rules, 1958. Petitioner also submits that he is not able to pass any test in language only because of a severe hearing impairment on account of which his permanent disability has

been assessed at 90%. He has brought his grievance to the Government by Exhibit-P15 produced along with I.A. 15110/2007. In my view,the Government should sympathetically consider the petitioner's case highlighted in Exhibit-P15. The Government should also bear in mind the provisions of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 which mandates that no person shall be denied any promotion merely by reason of the disability as such.

After having heard the learned counsel for the petitioner and the learned Government Pleader, this writ petition is disposed of directing the 1st respondent to look into Exhibit-P15 after hearing the petitioner or a representative, and take a decision keeping in mind the provisions of the Disabilities Act, within two months from the date of receipt of a copy of this judgment.

(V.GIRI, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007